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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/763,186 | 01/26/2004 | Toru Tsukada | Q79580 | 6504 |
| 23373 | 7590 | 04/26/2005 | EXAMINER | |
| SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037 | | | KIM, CHONG HWA | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3682 | |

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/763,186

Applicant(s)

TSUKADA ET AL.

Examiner

Chong H. Kim

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3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The Examiner acknowledges the applicant's Response filed Jan 31, 2005 in response to the Office action made on Sep 29, 2004.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 17-19 and 21-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Nilsson, U.S. Patent 3,643,521.

Nilsson shows, in Fig. 2, a feed screw device comprising;

a screw shaft 10;

a nut member 11 threadably engaging an outer peripheral surface of the screw shaft;

a lubricant supply device 17, at least a portion 18 of the lubricant supply device contacting the screw shaft;

a housing member 22 which is secured to the nut member and houses the lubricant supply device, the nut member being positioned outside of the housing member;

wherein the housing member/retaining ring, comprising a cylindrical portion 27 that extends away from the nut member and an end face (the vertical portion of 22) that covers an axial end (the right side end) of the lubricant supply device, is disposed to project from an axial

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end surface of the nut member and along an outer circumferential surface of the lubricant supply device, the outer circumferential surface extending in a longitudinal direction of the screw shaft and beyond the end face of the nut member;

wherein the portion 18 of the lubricant supply device contacts a threaded groove of the screw shaft;

a means (screw) for securing the housing to the nut member; and

wherein the means for securing comprises a screw/fastener threaded to contact at least a portion of the nut member and into at least a portion of the housing.

3. Claims 19-21, 25, and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Spontelli, U.S. Patent 2,818,745.

Spontelli shows, in Figs. 1 and 2, a feed screw device comprising;

a screw shaft 10;

a nut member 12 threadably engaging an outer peripheral surface of the screw shaft;

a lubricant supply device 25, at least a portion 29 of the lubricant supply device contacting the screw shaft;

a housing member 19 (not including 18) which is secured to the nut member and houses the lubricant supply device, the housing member including;

a cylindrical portion 38 that extends away from the nut member, and an end face (on the side of element 37) covers an axial end of the lubricant supply device;

wherein the end face covers the axial end away from the nut member;

wherein the portion of the lubricant supply device contacts a thread groove 11 of the screw shaft; and

a means/fastener 42 for securing/fixing the housing to the nut member.

Response to Arguments

4. Applicant's arguments filed Jan 31, 2005 have been fully considered but they are not persuasive. The applicant argues that one skilled in the art who is familiar with lubricant supply devices would not consider a member 17 as shown by Nilsson or a member 25 of Spontelli as being a lubricant supply device. The Examiner disagrees with the applicant because there is no clear definition provided by the applicant in the specification as originally filed (see MPEP 2111.01). Therefore the words are given their "plain meaning". Furthermore, the words "lubricant supply device" are given their broadest reasonable interpretation (see MPEP 2111). The word "supply" (as being used as a noun) is defined in Merriam Webster's Collegiate Dictionary, 10th Edition, as "assistance"; "provisions"; or "something that maintains or constitutes a supply". According to the definitions above, it appears that both the element 17 of Nilsson and the element 25 of Spontelli are devices which "assist", "provide" or "maintain" the lubricant within the feed screw device between the nut and the screw shaft, and especially when the nut is moved from one position to another along the screw shaft. Therefore, it can be construed that the elements 17 and 25 of Nilsson and Spontelli, respectively, are the lubricant supply device as recited in the claims.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

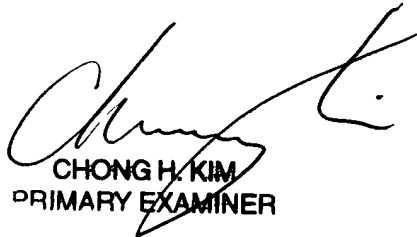
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chong H. Kim whose telephone number is (571) 272-7108. The examiner can normally be reached on Tuesday - Friday, 7:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Bucci can be reached on (571) 272-7099. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

chk
April 20, 2005



CHONG H. KIM
PRIMARY EXAMINER